

REMARKS

Claims 1-2 and 4-21 are pending in this application. None of the claims have been allowed.

At page 2, paragraph 1 of the Restriction Requirement, the Examiner explains the Restriction Requirement as follows:

"1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

1. Antiparkinson agents (i.e. doxepin, pergolide, or levodopa).
2. A second antiparkinson agent. (a selective Cox-2 inhibitor)

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The applicant must identify **a single anticholinergic agent, a single dopaminergic agent, a single monoamine oxidase agent, or amantadine** as the first elected species, **and a single second agent** as the second elected species. The election of anticholinergic agent, dopaminergic agent, or monoamine oxidase agent in general is **not sufficient**. The reply must also identify the claims readable on the elected species, including any claims subsequently added."

On January 17, 2008 the undersigned attorney spoke to the Examiner seeking clarification of the above paragraph, and in particular the phrase adjacent to point 2., which reads "(a selective Cox-2 agent)". The Examiner explained the "selective Cox-2 agent" was intended to indicate a third class of agent.

In response to this requirement to elect species, Applicants elect the species identified in Example 1 at page 15 of the application. Thus, the first elected antiparkinson agent is pergolide. The second elected antiparkinson agent is selegiline. And the Cox-2 inhibitor is VIOXX. Note that a claim to this tripartite composition has been added and is support by Example 1.

At page 3, paragraph 2, the Examiner identifies claims deemed to correspond the species mentioned above. In the Examiner's analysis, the claims relate to the species in the following manner:

Claims 2-3 – amantadine

Claim 4 – benzotropine, biperidan, procyclidine, trihexphenidyl

Claim 5 – diphenhydramine, orphenadrine

Claim 6 – amitriptyline, doxepin, imipramine, nortriptyline

Claim 8 – levodopa, bromocriptine, pergolide, pramipexole, cabergoline, or ropinerole

Claim 9 – selegiline

The following claim(s) are generic: 1, 7, 10-20.

Applicants do not entirely agree with this analysis. Setting aside generic claims 1, 7 and 10-20, the analysis should be as follows. The species amantadine is disclosed in claim 2. Species of anticholinergic agents are disclosed in claims 5 and 6. Species of dopaminergic agents are disclosed in claim 8. Species of monoamine oxidase agents are disclosed in claim 9. Applicants are unclear as to what information the Examiner intended to convey regarding claim 7.

Applicants are also required to state the claims readable on the elected species. All of the claims read on the use of the tripartite composition comprising pergolide, selegiline and VIOXX. Applicants' analysis is as follows. Claim 2 limits the antiparkinson agents to several classes. The classes include dopaminergic agents (such as pergolide) and monoamine oxidase (such as selegiline). Thus, claims 1 and 2 read on the elected species. None of claims 4 to 9 exclude the elected antiparkinson agents. As mentioned by the examiner, claims 10 to 20 are generic (and read on the elected agents). Finally, new claim 21 is directed to the tripartite composition of Example 1.

At page 4, paragraph 4, the Examiner continues:

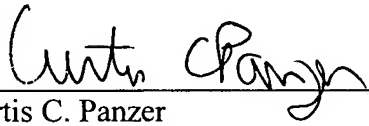
"4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse."

Applicants do not traverse.

Having addressed the outstanding issues, Applicants respectfully request early examination and allowance of the claims. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of this application.

Respectfully submitted,

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